

## **Delta Protection Commission Agricultural Conservation Easement Discussion Group January 8, 2009 Meeting**

### **Participants**

Landowners with Easements:

- Mario Jaques, Anthony Jaques Sr, Anthony Jaques, San Joaquin County landowners
- Jim Jorgensen, Gustine landowner

Larelle Burkham-Greydanus, Ca Department of Conservation, Ca Farmland Conservancy program

Steve Mayo and Anne-Marie Poggio-Castillou, San Joaquin Council of Governments Habitat Plan

Bill Martin, Central Valley Farmland Trust

Steve Kohlman, Tierra Resource Management, for Agriculture and Natural Resource Trust of Contra Costa

Adam Cline, Solano Co. Dept. of Agriculture

Alex Westhoff and Suzanne Butterfield, Delta Protection Commission staff

### **Meeting Summary**

The landowners gave their perspective on easements:

- Favorable view of easements
- Farming activity is not interfered with by the easement holder (except in some cases but that is known up front)
- Landowners need education on what easements are and are not. One on one dialogue with all affected family members is necessary. Education is critical. No substitute for one- on-one, around the kitchen table discussions with landowners. This is more effective than sending lots of documents to read.
- Landowners usually interested in easements either from creating a legacy viewpoint or wanting the money
- Getting through the bureaucracy of obtaining an easement is not easy and it is time consuming – can take 1.5 to 3 years

Other Key Comments:

- Combining an agricultural easement with a habitat easement provides more funding incentives. Important that the combination doesn't detract from agricultural production. If combined, to be effective, it has to be an ag easement first, then habitat overlaid on it.
- Ca Department of Conservation does allow combination of ag and habitat easements and some examples of DOC partnering with Wildlife Conservation Board to do this were given.

- Some habitat easements restrict the crop type – ie no permanent crops, and can limit surface entry (ie mineral rights), and not allow for structures.
- A number of easement programs (ag and/ or habitat) of cities, counties, cogs, are 100% development funded or will be, such as those of SJCOG, East Contra Costa, Yolo County, South Sacramento, Elk Grove, and Solano County.
- The following cities do not allow their ag conservation easement programs to operate in the Primary Zone of the Delta because they feel ag land protection is not as necessary there: the cities of Stockton, Tracey, Lathrop and Manteca. They are more interested in creating buffers between cities.
- An advantage to having an easement on one's property is that the easement holder will be your ally if threats to the property come up such as eminent domain, potential loss of water supply. Eminent domain or public health and safety issues will "trump" an easement, but eminent domain is harder to achieve if an easement exists.
- Neighboring landowners to property with an easement – neighbors usually curious. Land value of neighboring property next to an easement increases and sometimes it fuels real estate development. Advertisements seen more often these days ... "Adjoining a conservation easement". (used to say "adjoining BLM land...")
- New Mexico has a program that provides very good tax incentives to have an easement on one's property. Very attractive to landowners. Contact information was given and will be looked into by DPC staff.
- Generally speaking, there is not a lack of interested landowners in ag easements once educated about easements, but rather a lack of funding. A possible new Delta Conservancy should have a funding source for purchasing ag and habitat easements.

#### Next Actions

- What is the "deliverable" from this group? Likely a report in 2009 entitled "A Strategy for agricultural conservation easements in the Delta". Audience for the report would be federal, state, local agencies involved with easements in the delta, legislators working on creation of a Delta Conservancy, land trusts operating in the delta.
- Have another meeting where more landowners are invited and make sure agricultural commissioners can attend that meeting.
- Work on priority parameters for a delta ag easement strategy still needs to be developed. Will be focus of next meeting along with inviting more landowners.
- Those in attendance thought it important that input on agricultural conservation easements be provided to Delta Vision – if there are any opportunities left-and those who may be involved in writing new legislation regarding a Delta Conservancy.